S.B.CRIMINAL MISC. BAIL APPLICATION NO.4691/2006

Date : 19.10.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Amitabh Acharya for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.
Mr. D.L. Rawla for complainant.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that on account of enmity, applicant has been involved in this case and absolutely a false case has been lodged against him. He submits that the applicant was under treatment on 20.8.2006 at SMS Hospital Jaipur, therefore, his presence on 21st i.e. on the next day was not possible. He further submits that on account of injuries on hand, it was not possible for the applicant to catch hold of the sword. He also submits that in the instant case his name has been inserted on account of enmity only. He invited my attention to the FIR

which was lodged in the month of May, 2006.

On the other hand, learned Public Prosecutor assisted by learned counsel for the complainant have opposed the bail application.

I do not want to express any opinion on the merit of the case but specific allegations have been attributed against the applicant. However, without expressing any opinion on the fact that whether it was possible for the applicant to remain present at Ganganagar or not on the date of incident as it is a matter of evidence but in the facts and circumstances of the case, I do not find it to be a fit case to give benefit of anticipatory bail to the applicant. Accordingly, the bail application moved by the applicant under Section 438 Cr.P.C. is rejected.

(SATYA PRAKASH PATHAK), J.